

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

October 24, 2008

Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR EXCUSE IN ERROR OF PAYMENT OF FEES AS SMALL ENTITY
PURSUANT TO 37 CFR § 1.28 (c)**

To the Commissioner for Patents:

It has now come to the applicant's attorneys' attention that the fees paid for the above-referenced patent application were incorrectly and in good faith paid as a small entity. . Thus, it is hereby requested that the error in payment of the fees as a small entity be excused and the deficiency fees be accepted.

The fees incorrectly paid as a small entity are itemized in the table below. As detailed on the table below, the total deficient amount to be paid is \$1,667.00. The commissioner is hereby authorized to charge the total deficient amount on Deposit Account No. 50-1290.

Large Entity Fee Due	Small Entity Fee Paid	Date of Payment of Small Entity Fee	Deficient Amount Now Due
Extension for response within first month \$130.00	Extension for response within first month \$120	04/18/05	Extension for response within first month \$10.00
Extension for response within second month \$490.00	Extension for response within second month \$225.00	03/20/06	Extension for response within second month \$265.00
Claims in excess of twenty \$52.00	Claims in excess of twenty \$25	09/05/06	Claims in excess of twenty \$27.00
Request for continued examination (RCE) \$810.00	Request for continued examination (RCE) \$395.00	09/26/06	Request for continued examination (RCE) \$415.00
Extension for response within first month \$130.00	Extension for response within first month \$60.00	09/26/06	Extension for response within first month \$70.00
Extension for response within first month \$130.00	Extension for response within first month \$60.00	03/26/07	Extension for response within first month \$70.00
Utility Issue Fee \$1,510.00	Utility Issue Fee \$700.00	07/17/07	Utility Issue Fee \$810.00
Total Deficient Amount Now Due: \$1,667.00			

It is believed that no other deficiencies or fees are due with this paper. However, the commissioner is hereby authorized to charge any such fees to the Deposit Account No. 50-1290.

A Power of Attorney and a Statement Under 37 CFR 3.373(b) are being submitted herewith.

Please direct any inquiries regarding this paper to the Applicant's undersigned attorney who may be reached directly by telephone at (212)940-8712.

Respectfully submitted,

Linda S. Chan/
Linda S. Chan
Reg. No. 42,400

Attorney Docket No.: **ELBX 17.815 (100792-00091)**

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